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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/108,357	07/01/1998	MASAO SUGATA	1232-4450	9224
27123	7590	02/24/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			NGUYEN, TOAN D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/108,357

Applicant(s)

SUGATA ET AL.

Examiner

Toan D Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-12,14,18-20,22,26-29,32-34,38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-34, 40 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-12,14,18-20,22,26-29 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 4-8, 10-11, 18-19, 49 and 51 are rejected under U.S. C. 103(a) as being unpatentable over Murakami et al. (US Re. 35,104) in view of Odaka (US 5,172,380) further in view of Kotani et al. (US 5,987,029).

For claims 1, 4-8, 10-11, 18-19, 49 and 51, Murakami et al. disclose subrate multi-media data transmission system, comprising:

a) an encoding unit, arranged to error detection or correction encode first information used in a multimedia network (figure 1, reference 102, col. 5 lines 34-37),

b) a transmission unit, arranged to multiplexing (figure 1, reference 111) the first information encoded by said encoding unit in a broadcast signal, and transmitting the multiplexed signal (col. 5 lines 46-48).

Murakami et al. do not disclose said encoding unit error detection or correction encoding at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed; and wherein said transmission unit is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal. In an analogous art, Odaka discloses said encoding unit error detection or correction encoding at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed (col. 12 lines 46-60).

One skilled in the art would have recognized an encoding unit error detection or correction encoding at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed to use teaching of Odaka in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the encoding unit error detection or correction encoding at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed as taught by Odaka in Murakami et al.'s system with the motivation being to provide a reproduction device can distinguish a block of data in which the first data is contained

as auxiliary data from a block of data in which the second data is contained as auxiliary data (col. 12 lines 56-60).

However, Murakami et al. in view of Odaka do not disclose information to be distributed in a Markup language description format, and wherein said transmission unit is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal, and wherein the first information has a data format thereof which includes a format that complies with a data format of the second information. In an analogous art, Kotani et al. disclose information to be distributed in a Markup language description format (figure 2, reference 225, col. 7 line 56), and wherein said transmission unit is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal (figure 2, reference 210, col. 7 lines 35-36), and wherein the first information has a data format thereof which includes a format that complies with a data format of the second information (figure 3, reference 33, col. 8 lines 11-14).

One skilled in the art would have recognized a Markup language format to use the teachings of Kotani et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the Markup language format as taught by Kotani et al. in Murakami et al.'s with the motivation being comprised a URL indicating the address of the detailed information (file) corresponding to the page data 22 on the Internet and the title of this URL (col. 7 lines 60-63).

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4. Claims 2 and 50 are rejected under U.S.C. 103(a) as being unpatentable over Murakami et al. (US Re. 35,104) in view of Odaka (US 5,172,380) and Kotani et al. (US 5,987,029) further in view of Engelbrecht et al. (US 5,912,917).

For claims 2 and 50, Murakami et al. in view of Odaka and Kotani et al. do not disclose the broadcast signal is an FM audio signal, and said transmission unit frequency-multiplexes the information to be distributed in a frequency band different from an FM-modulated audio signal. In an analogous art, Engelbrecht et al. disclose the broadcast signal is an FM audio signal (figure 7, references 88-108 MHz FM, col. 5 line 21), and said transmission unit frequency multiplexes the information to be distributed in a frequency band different from an FMmodulated audio signal (figure 27, MUX block, col. 5 lines 23-41).

One skilled in the art would have recognized an FM audio signal to use the teachings of Engelbrecht et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the FM audio signal as taught by Engelbrecht et al, in Murakami et al.'s system with the motivation being provide the current FM band of 88 to 108 Mhz is preferred for the introduction of the digital because of its superior propagation and penetration characteristics and because of the RF technology developed for FM (col. 1 lines 40-43).

5. Claims 22, 26-29 and 38 are rejected under U. S.C. 103(a) as being unpatentable over Murakami et al. (US Re. 35,104) in view of Engelbrecht et al. (US 5,912,917) further in view of Kotani et al. (US 5,987,029).

For claims 22, 26-27, 29 and 38, Murakami et al. disclose subrate multi-media data transmission system, comprising:

b) a processing unit, arranged to perform error correction or detection (figure 1, reference 102) processing of the first information using the first error check code (col. 5 lines 51-55).

Murakami et al. do not disclose:

a) a reception unit, arranged to receive a first broadcast signal obtained by multiplexing first information to be distributed in a Markup language description format used in a multimedia network and a first error check code added for the information distributed, wherein said reception unit is also arranged so as to received a second broadcast signal provided by multiplexing second information including character information distributed without using the Markup language description format, and a second error check code, and wherein the first information has a data format thereof which includes a format that complies with a data format of the second information.

b) wherein said processing unit is also arranged so as to execute the error correction or detection processing on the second information by using the second error check code, when the second broadcast signal is received by said reception unit.

In an analogous art, Engelbrecht et al. disclose:

a) a reception unit, arranged to receive a first broadcast signal obtained by multiplexing first information to be distributed in a multimedia network and a first error check code added for the information to be distributed, wherein said reception unit is also arranged so as to received a second broadcast signal provided by multiplexing

second information distributed without using the Markup language description format, and a second error check code (figure 27, col. 13 lines 35-41 and col. 14 lines 3-4); and

b) wherein said processing unit is also arranged so as to execute the error correction or detection processing on the second information by using the second error check code, when the second broadcast signal is received by said reception unit (col. 13 lines 35-41 and col. 14 lines 2-4).

One skilled in the art would have recognized a reception unit, arranged to receive a broadcast signal to use teaching of Engelbrecht et al. in the system of Murakami et al. Therefore it would have been obvious to one of ordinary skill in the art at the time invention, to use the reception unit, arranged to receive a broadcast signal as taught by Engelbrecht et al. in Murakami et al.'s system with the motivation being to provide a broadcast system such that a mobile receiver traveling between edges of reception of two or more low power range extension radio broadcast station does not evidence interference therebetween (Abstract lines 21-24).

However, Murakami et al. in view of Engelbrecht et al. do not disclose information to be distributed in a Markup language description format and second information including character information. In an analogous art, Kotani et al. disclose information to be distributed in a Markup language description format (figure 2, reference 225, col. 7 line 56); and second information including character information (figure 2, reference 210, col. 7 lines 35-36), and wherein the first information has a data format thereof which includes a format that complies with a data format of the second information (figure 3, reference 33, col. 8 lines 11-14).



One skilled in the art would have recognized a Markup language format to use the teachings of Kotani et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the Markup language format as taught by Kotani et al. in Murakami et al.'s with the motivation being comprised a URL indicating the address of the detailed information (file) corresponding to the page data 22 on the Internet and the title of this URL (col. 7 lines 60-63).

For claim 28, Engelbrecht et al. in view of Murakami et al. disclose further:

a storage unit, arranged to store the received information, and

an informing unit, arranged to transmit that the received information is stored in said storage unit and has not been output to an external device (figure 27, MUX block).

6. Claims 12, 14 and 20 are rejected under U.S.C. 103(a) as being unpatentable over Murakami et al. (US Re. 35,104) in view of Hunsinger et al. (US 5,956,624) further in view of Kotani et al. (US 5,987,029).

For claims 12, 14 and 20, Murakami et al disclose subrate multi-media data transmission system, comprising:

a) an encoding unit, arranged to error detection or correction encode (figure 1, reference 102) first information to be distributed in a description format used in a multimedia network (col. 5 line 34); and

b) a transmission unit, arranged to multiplex (figure 1, reference 111) the first information encoded by said encoding unit in a broadcast signal, and transmit the multiplexed signal (col. 5 lines 46-48).

Murakami et al. do not disclose wherein a plurality of kinds of information are able to be transmitted as an entity in the first information, wherein said encoding unit uses different error detection or correction ability in correspondence with the kind of information, wherein said transmission unit is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal, and wherein the first information has a data format thereof which includes a format that complies with a data format of the second information.

In an analogous art, Hunsinger et al. disclose wherein a plurality of kinds of information being able to be transmitted as an entity in the information to be distributed, and said encoding means (figure 2, reference 35) using different error detection or correction ability in correspondence with the kind of information (col. 11 lines 30-51).

One skilled in the art would have recognized an error correction encoder to use teaching of Hunsinger et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the error correction encoder as taught by Hunsinger et al. in Murakami et al.'s system with the motivation being to protect the audio signal (col. 11 lines 32-43).

However, Murakami et al. in view of Hunsinger et al. do not disclose information to be distributed in a Markup language description format, and wherein said transmission means is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus multiplexed signal, and wherein the first

information has a data format thereof which includes a format that complies with a data format of the second information.

In an analogous art, Kotani et al. disclose information to be distributed in a Markup language description format (figure 2, reference 225, col. 7 line 56); and wherein said transmission means is also arranged so as to multiplex second information including character information into the broadcast signal without using the Markup language description format to transmit the thus-multiplexed signal (figure 2, reference 210, col. 7 lines 35-36), and wherein the first information has a data format thereof which includes a format that complies with a data format of the second information (figure 3, reference 33, col. 8 lines 11-14).

One skilled in the art would have recognized a Markup language format to use the teachings of Kotani et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the Markup language format as taught by Kotani et al, in Murakami et al.'s with the motivation being comprised a URL indicating the address of the detailed information (file) corresponding to the page data 22 on the Internet and the title of this URL (col. 7 lines 60-63).

***Allowable Subject Matter***

7. Claims 32-34 and 40 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 32, the prior art fails to teach a combination of the steps of:

b) a display unit, arranged to display the first character information,

wherein said display unit displays second character information when said reception unit receives a broadcast signal obtained by multiplexing the second character information, in the specific combination as recited in claim 32.

Regarding claim 40, the prior art fails to teach a combination of the steps of:

displaying second character information using a display unit arranged to display the first character information when said receiving step receives a broadcast signal obtained by multiplexing the character information, in the specific combination as recited in claim 40.

### ***Response to Arguments***

8. Applicant's arguments filed August 06, 2004 have been fully considered but they are not persuasive.

The applicant argues with respect to claims 1, 8, 12, 18-20, 22 and 38, that Kotani does not disclose or suggest a data format relationship between the first and second information data, as recited in the amended claims. The examiner disagrees. Applicant's attention is directed to Kotani patent at col. 8 lines 11-14 (figure 3, reference 33) where Kotani clearly teaches "In column 33, the URL of the detailed information corresponding to the page data is first written, followed by (after the comma (,)) a character string which becomes a link button to the URL." (wherein the first information has a data format thereof which includes a format that complies with a data format of the second information means).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER